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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/169,127	12/20/1993	HISATO SHINOHARA	0756945	2677

22204 7590 08/29/2003

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66
EXAMINER

PADGETT, MARIANNE L

ART UNIT

PAPER NUMBER

1762

DATE MAILED: 08/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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AS

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/169,127			

EXAMINER	
ART UNIT	PAPER NUMBER
	66

DATE MAILED:

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

- 6/13/03
1. ☒ The communication filed ~~6/13/02~~ 6/13/03 is informal/non-responsive for the reason(s) checked below and should be corrected. APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER OR UNTIL THE EXPIRATION OF THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION (WHICHEVER IS LONGER) WITHIN WHICH TO CORRECT THE INFORMALITY.
- a. ☐ The amendment to claim(s) _____, filed _____, fails to comply with the provisions of 37 C.F.R. 1.121 and is accordingly held to be non-responsive. A supplemental paper correcting the informal portions and complying with the rule is required.
- b. ☐ The paper is unsigned. A duplicate paper or ratification, properly signed, is required.
- c. ☐ The paper is signed by _____, who is not of record. A ratification or a new power of attorney with a ratification, or a duplicate paper signed by a person of record, is required.
- d. ☐ The communication is presented on paper which will not provide a permanent copy. A permanent copy, or a request that a permanent copy be made by the Office at applicant's expense, is required, see M.P.E.P. 714.07.
- e. ☒ Other *While species "C" was elected, no choice was made between subspecies (i) Si oxide and (ii) Si nitride. See attachment for further comments*
2. ☐ In accordance with applicant's request, THE PERIOD FOR RESPONSE FROM THE OFFICE ACTION DATED _____ IS EXTENDED TO RUN _____ MONTH(S).
No further extension will be granted unless approved by the Commissioner. 37 C.F.R. 1.136 (b)
3. ☐ Receipt is acknowledged of papers submitted under 35 U.S.C. 119 which papers have been made of record in the file.
4. ☒ Other

*attached PTO-1449 - signed from
paper # 62 & 63*

Marlene H. [Signature]

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1. Applicants' discussion of claims not being species on p. 1 of the 6/13/03 response is noted, however the examiner never meant to suggest that the claims were species, merely point out which claims appear to belong to which species, in view of the extraordinarily large number of New Claims (i.e. 123 NEW Claims). Typically an applicant's representative is perturbed, when no claims are suggested as equating to species (especially when there is a large # of claims), not the other way around.

The examiner agrees with applicant, that claim 113 relates the irradiation step to the crystallization effect of species "a" as does claim 118, hence that independent claim and its (114-117) dependants should be grouped with species "a", so there is no species "d" remaining.

2. While applicant's have elected species "c", this species has 2 subspecies: (i) silicon oxide and (ii) silicon nitride, for the ion blocking layer which maybe exemplified by claims 63-65, which applicant's appear to have over looked, and not elected one of the designated options. In order for the examiner to respond appropriately to applicant, a complete response to the election of species is needed.

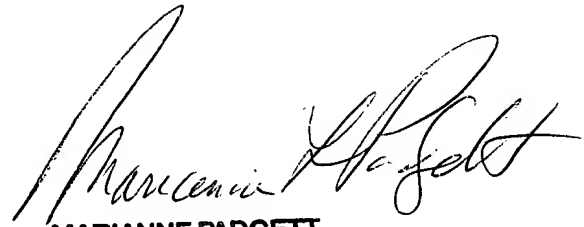
It is noted that applicant's argue for having a reasonable number of species, but in view of the very large number of claims (136 total, 123 new), the examiner has allowed for a reasonable degree of variation in claim groups to be considered, with 3 different laser process species under consideration, with subspecies for ion blocking material considered for species "b" and "c".

Also note that if the species chosen is found allowable, that the next species will then automatically be examined, and so on, but the election of species allows the examiner some extra time to then do a complete job.

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3. Any inquiry concerning this communication should be directed to M L. Padgett at telephone number 703-308-2336 on M-F from about 8:30 am – 4:30 pm, FAX # (703) 872-9310 (regular); 872-9311 (after final) and 305-6078 (informal).

M. L. Padgett/mn
August 26, 2003



**MARIANNE PADGETT
PRIMARY EXAMINER**